

1 LAUREL I. HANDLEY (NV Bar # 9576)
2 REBECCA P. KERN (NV Bar # 9079)
3 **ALDRIDGE PITE, LLP**
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5 Las Vegas, Nevada 89101
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10 Attorneys for Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE SUCCESSOR
11 IN INTEREST TO BANK OF AMERICA NATIONAL ASSOCIATION, AS TRUSTEE,
12 SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION AS
13 TRUSTEE FOR LEHMAN XS TRUST MORTGAGE PASSTHROUGH CERTIFICATES,
14 SERIES 2006-11, ITS SUCCESSORS AND/OR ASSIGNS
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

12 U.S. BANK NATIONAL ASSOCIATION, AS
13 TRUSTEE SUCCESSOR IN INTEREST TO
14 BANK OF AMERICA NATIONAL
15 ASSOCIATION, AS TRUSTEE,
16 SUCCESSOR BY MERGER TO LASALLE
17 BANK NATIONAL ASSOCIATION AS
18 TRUSTEE FOR LEHMAN XS TRUST
19 MORTGAGE PASSTHROUGH
20 CERTIFICATES, SERIES 2006-11, ITS
21 SUCCESSORS AND/OR ASSIGNS,

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Plaintiff,

vs.

19 RICHARD EVALOBO, PRISCILLA
20 SANTOS CORTEZ, AND DOE
21 OCCUPANTS I through X, inclusive,

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Defendants.

Case No. 2:15-CV-1270-JAD-NJK

**MOTION TO REMAND TO HENDERSON,
NEVADA JUSTICE COURT**

24 COMES NOW, Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE
25 SUCCESSOR IN INTERST TO BANK OF AMERICA NATIONAL ASSOCIATION, AS
26 TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION
27 AS TRUSTEE FOR LEHMAN XS TRUST MORTGAGE PASSTHROUGH CERTIFICATES,
28 SERIES 2006-11, ITS SUCCESSORS AND/OR ASSIGNS, ("U.S. Bank"), by and through its

attorneys of record, LAUREL I. HANDLEY, ESQ., and REBECCA P. KERN, ESQ., of ALDRIDGE PITE, LLP, and hereby moves this court for an order remanding this case back to Henderson, Nevada Justice Court, pursuant to 28 U.S.C. §1447(c).

This Motion is made and based on the following Memorandum of Points and Authorities, Plaintiff's request for judicial notice, the Exhibits attached hereto, the papers and pleadings on file in this case, and any argument the Court may entertain.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The underlying complaint in this case was brought pursuant to Nevada Revised Statute §40.255, seeking possession of certain real property on the grounds that the defendants are unlawfully detaining the home, post foreclosure. This action was properly brought before the Henderson, Nevada Justice Court on June 4, 2015. Nevertheless, one of the defendants filed a Notice of Removal asserting theories and allegations that are not set forth in the compliant. Defendant has failed to establish this court's jurisdiction over the subject matter of this case. As such, Plaintiff hereby requests that the Court grant its Motion for Remand and remand this case back to the Henderson, Nevada Justice Court.

II. BACKGROUND

As is set forth in the Compliant, on April 24, 2015, Plaintiff purchased real property, located at 1020 Zurich Avenue, Henderson, Nevada 89015 ("Subject Property"), as the foreclosing beneficiary under the deed of trust at a foreclosure auction. A true and correct copy of the Trustee's Deed Upon Sale, recorded in Clark County, Nevada as instrument number 20150505-0002657, is attached hereto as **Exhibit "1."**¹ Thereafter on May 6, 2015, a Notice to

¹ Plaintiff requests that this Court take judicial notice of the Trustee's Deed Upon Sale, as it was recorded in the Official Records of Clark County, Nevada. Pursuant to Nevada Revised Statute 47.130(2), this Court may take judicial notice of facts "[g]enerally known within the territorial jurisdiction of the trial court" or facts that are "[c]apable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." "[A] court may take judicial notice of matters of public record." *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001).

Quit was served upon the Defendants. A true and correct copy of the Notice to Quit and Verified Return of Service, is attached hereto as **Exhibits “2- 3,”** respectively.

Due to the Defendants failure to vacate the residence, Plaintiff was forced to take legal action seeking possession of the Subject Property. The above-entitled action was commenced on or about June 4, 2015, in the Henderson, Nevada Justice Court (hereinafter, “State Court”) under the designated Case Number 15CH001955. Plaintiff named the former homeowners, Richard Evalobo and Priscilla Santos Cortez, as well as Doe Occupants as defendants in the action, as Plaintiff was unable to ascertain who was residing in the residence. In conjunction with the filing of the Complaint, Plaintiff also applied for an order to show cause why a temporary writ of restitution should not issue against Defendants. Plaintiff served Defendants with the Summons, Complaint, Order to Show Cause, Order Shortening Time, and supporting application on June 24, 2015, by leaving a copy with a Doe Occupant at the Subject Property. A true and correct copy of the Affidavit of Service is attached hereto as **Exhibit “4.”**²

On or about July 6, 2015, Defendant, Priscilla Santos Cortez (hereinafter “Ms. Cortez”), filed an Answer to Verified Complaint and Statement Why Temporary Writ of Restitution Should Not Issue. Ms. Cortez simultaneously filed a Notice of Removal.

III. STANDARD OF REMOVAL

Removal is appropriate under 28 U.S.C. §1441(a) when the United States has original jurisdiction over the civil action brought in State Court. A civil action may also be removed if diversity jurisdiction is established. 28 U.S.C. §1441(b). In light of the fact that Federal Courts are courts of limited jurisdiction, “[r]emoval statutes are to be strictly construed against removal jurisdiction.” *Nevada v. Bank of America Corp.*, 672 F.3d 661, 667 (9th Cir. 2012) (*internal quotes omitted*). “The preponderance of the evidence standard applies because removal jurisdiction ousts state-court jurisdiction and must be rejected if there is any doubt as to the right of removal in the first instance. This gives rise to a strong presumption against removal

² Interestingly, the only answering defendant (“Ms. Cortez”), has a California address and very likely does not even reside in the Subject Property, as she calls herself an absentee homeowner. See, *Response*, p. 15, l. 18.

jurisdiction which means that the defendant always has the burden of establishing that removal is proper. *Geographic Expeditions, Inc. v. Estate of Lhotta*, 599 F.3d 1102, 1107 (9th Cir. 2010) (*internal quotes omitted*). See also, *Dulcich, Inc. v. Mayer Brown, LLP*, 954 F.Supp.2d 1129, 1134 (D. Or. 2013).

IV. LEGAL ARGUMENT

A. **MS. CORTEZ HAS FAILED TO ESTABLISH SUBJECT MATTER JURISDICTION.**

In this case, Ms. Cortez has not established by a preponderance of the evidence that removal is proper. The Notice of Removal rambles on for 21 pages in an incoherent fashion alleging violations of due process, color of law, and other various allegations and claims which have nothing to do with the underlying Complaint in this action. The U.S. Supreme Court has “long held that ‘[t]he presence or absence of federal-question jurisdiction is governed by the well-pleaded complaint rule, which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff’s properly pleaded complaint.’” *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392, 107 S.Ct. 2425, 2429 (1987). Rather than admitting that the complaint is void of any federal claims, Ms. Cortez attempts to confuse the court with her alleged defenses to the unlawful detainer. Nevertheless, a federal defense to the complaint cannot be the basis to remove to federal court, as the federal question must be presented in the complaint. See, *Franchise Tax Bd. of Cal. v. Construction Laborers Vacation Trust for Southern Cal.*, 463 U.S. 1, 14, 103 S.Ct. 2841, 2848, (1983). See also, *Rivet v. Regions Bank of Louisiana*, 522 U.S. 470, 475, 11 S.Ct. 921, 925 (1998).

Removal based upon subject matter jurisdiction cannot be established in this case, because the only cause of action set forth in the complaint, is a claim for unlawful detainer. Since an unlawful detainer action is under the original in rem jurisdiction of Nevada Justice Courts, pursuant to NRS §4.370(2), and governed by NRS §40.255, Ms. Cortez cannot establish that the complaint sets forth a federal question. Therefore, based upon the absence of a federal question in the complaint, remand is proper.

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B. MS. CORTEZ HAS FAILED TO ESTABLISH DIVERSITY JURISDICTION.

Diversity jurisdiction under 28 U.S.C. §1332 exists when an action is brought between citizens of different states and/ countries and the amount in controversy exceeds \$75,000. If plaintiff claims damages of less than \$75,000, it is defendant's duty to offer facts to establish the amount in controversy exceeds \$75,000. See, *Singer v. State Farm Mut. Auto. Ins. Co.*, 116 F.3d 373, 376 (9th Cir. 1997). The removing defendant must show, by a preponderance of the evidence, that the amount in controversy exceeds \$75,000. *Id.*

Here, the compliant sets forth an action for unlawful detainer, seeking possession of the Subject Property, and damages not to exceed \$1,000.00, plus attorney's fees and costs of \$596.00. See, *Compl.*, p.3, lls. 6-8. In her Notice of Removal, Ms. Cortez alleges that, "Plaintiff filed a fraudulent claim in the Justice Court, Township of Henderson, Clark County Nevada under an Unlawful Detainer on June 4, 2015 making false claims that the amount in controversy was only \$10,000," however; Ms. Cortez failed to set forth any facts that show Plaintiff's damages will exceed \$1,000.00. See, *Notice of Removal*, p. 3, lls. 24-26. Notably, the remaining 19 pages of the Notice of Removal, fail to address the amount in controversy. Ms. Cortez does not alleged facts to support a claim that the amount exceeds \$75,000. Therefore, Plaintiff, respectfully requests that the Court find that Ms. Cortez failed to establish jurisdiction over this action, and remand the case back to State Court.

C. MS. CORTEZ HAS FAILED TO OBTAIN CONSENT FROM ALL DEFENDANTS.

Pursuant to 28 U.S.C. §1446(2)(A), all defendants who have been served must join in the removal or consent within 30 days of service of the summons. Under the "rule of unanimity" removal also requires a timely showing of consent from all served defendants. See, e.g., *Hewitt v. City of Stanton*, 798 F.2d 1230, 1233 (9th Cir. 1986).

In this case, the named defendants were served on June 24, 2015. Defendant, Richard Evalobo, had until July 25, 2015 to consent, but to date, no consent has been provided. In light of the fact that not all served defendants timely consented to removal, remand is appropriate.

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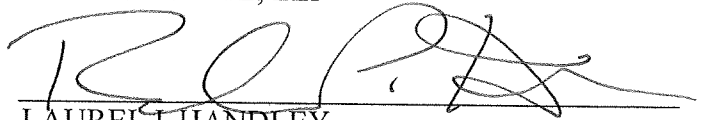
V. CONCLUSION

For the foregoing reasons, U.S. Bank respectfully asks this Court to grant it Motion to Remand and remand this case back to the Henderson, Nevada Justice Court.

DATED this 30th day of July, 2015.

Respectfully Submitted,

ALDRIDGE PITE, LLP



LAUREL T. HANDLEY

REBECCA P. KERN ✓

Attorneys for Plaintiff

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE

CERTIFICATE OF SERVICE

I, the undersigned, declare: I am, and was at the time of service of the papers herein referred to, over the age of 18 years, and not a party to this action. My business address is 520 South 4th Street, Suite 360, Las Vegas, Nevada 89101.

I hereby certify that on July 30, 2015, I served the above-described documents by U.S. Mail on the following, who are not registered participants of the CM/ECF System:

Priscilla Santos Cortez
4132 Calmoor Street
National City, CA 91950

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 30th day of July, 2015, at Las Vegas, Nevada.


NATASHA D. PETTY

EXHIBIT 1

EXHIBIT 1

APN No.: 179-16-812-008
Recording Requested by:

When Recorded Mail to:
Nationstar Mortgage LLC
8950 Cypress Waters Boulevard
Coppell, TX 75019

Inst #: 20150505-0002657
Fees: \$19.00 N/C Fee: \$0.00
RPTT: \$1948.20 Ex: #
05/05/2015 03:40:11 PM
Receipt #: 2412013
Requestor:
SERVICELINK TITLE AGENCY IN
Recorded By: SUO Pgs: 4
DEBBIE CONWAY
CLARK COUNTY RECORDER

Forward tax statements to the address given above

TS No.: NV-11-474296-CL

Space above this line for recorders use only

Order No.: 984737

Grantee: U.S. Bank National Association, As Trustee, Successor In Interest To Bank Of America National Association, As Trustee, Successor By Merger To LaSalle Bank National Association, As Trustee For Lehman Xs Trust Mortgage Pass-Through Certificates, Series 2006-11

Grantee Address: c/o Nationstar Mortgage LLC
8950 Cypress Waters Boulevard, , Coppell, TX 75019

It is hereby affirmed that this document submitted for recording does not contain the social security number of any person or persons. (Per NRS 239B.030).

Trustee's Deed Upon Sale

Transfer Tax:

\$1,948.20

THE UNDERSIGNED GRANTOR DECLARES:

The Grantee Herein IS the Foreclosing Beneficiary

The amount of the unpaid debt together with costs was:

\$476,689.84

The amount paid by the grantee at the trustee sale was:

\$381,980.07

The documentary transfer tax is:

\$1,948.20

Said property is in the City of: **HENDERSON**, County of **CLARK**

QUALITY LOAN SERVICE CORPORATION, as Trustee, (whereas so designated in the Deed of Trust hereunder more particularly described or as duly appointed Trustee) does hereby GRANT and CONVEY to

U.S. Bank National Association, as Trustee, successor in interest to Bank of America National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-11

(herein called Grantee) but without covenant or warranty, expressed or implied, all right title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the county of **CLARK**, State of Nevada, described as follows:

LOT EIGHT (8) IN BLOCK A OF BOULDER CREEK II, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 124 OF PLATS, PAGE 72, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

TS No.: NV-11-474296-CL

This conveyance is made in compliance with the terms and provisions of the Deed of Trust executed by **RICHARD EVALOBO, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY AND PRISCILLA SANTOS CORTEZ, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY**, as trustor, dated 1/5/2006, and recorded on 1/17/2006 as **Instrument No. 20060117-0003647**, of Official Records in the office of the Recorder of **CLARK**, Nevada, under the authority and powers vested in the Trustee designated in the Deed of Trust or as the duly appointed trustee, default having occurred under the Deed of Trust pursuant to the Notice of Breach and Election to Sell under the Deed of Trust recorded on **12/17/2014**, instrument no **201412170000019**, Book xxx , Page xxx , of Official records. Trustee having complied with all applicable statutory requirements of the State of Nevada and performed all duties required by the Deed of Trust including sending a Notice of Default and Election to Sell within ten days after its recording and a Notice of Sale at least twenty days prior to the Sale Date by certified mail, postage pre-paid to each person entitled to notice in compliance with Nevada Revised Statute 107.090.

Default occurred as set forth in a Notice of Breach and Election to Sell which was recorded in the office of the Recorder of said County.

All requirements of law regarding the mailing of copies of notices or the publication of a copy of the Notice of Breach and Election to Sell or the personal delivery of the copy of the Notice of Breach and Election to Sell and the posting and publication of copies of the Notice of Sale have been complied with.

Said property was sold by said Trustee at public auction on **4/24/2015** at the place named in the Notice of Sale, in the County of **CLARK**, Nevada, in which the property is situated. Grantee, being the highest bidder at such sale, became the purchaser of said property and paid therefore to said trustee the amount being **\$381,980.07** in lawful money of the United States, or by the satisfaction, pro tanto, of the obligations then secured by said Deed of Trust.

THIS INSTRUMENT IS RECORDED AT THE
REQUEST OF SERVICELINK AS AN
ACCOMMODATION ONLY. IT HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS
TO ITS EFFECTS UPON TITLE.

QUALITY MAY BE CONSIDERED A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT
AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

TS No.: NV-11-474296-CL

Date:

MAY 04 2015

QUALITY LOAN SERVICE CORPORATION

By: Denise Penaflorida, Assistant Secretary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of: California

County of: San Diego

On MAY 04 2015 before me, COURTNEY PATANIA a notary public,
personally appeared Denise Penaflorida, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and
that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under *PENALTY OF PERJURY* under the laws of the State of **California** that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

Signature



COURTNEY PATANIA

**STATE OF NEVADA
DECLARATION OF VALUE FORM**

1. Assessor Parcel Number(s)

- a) 179-16-812-008
b) _____
c) _____
d) _____

2. Type of Property:

- a) ☐ Vacant Land b) ☒ Single Fam. Res.
c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
e) ☐ Apt. Bldg f) ☐ Comm'l/Ind'l
g) ☐ Agricultural h) ☐ Mobile Home
i) ☐ Other _____

FOR RECORDERS OPTIONAL USE ONLY

Book: _____ Page: _____
Date of Recording: _____
Notes: _____

3. Total Value/Sales Price of Property:

\$381,980.07

Deed in Lieu of Foreclosure Only (value of property): _____

Transfer Tax Value: _____

\$381,980.07

Real Property Transfer Tax Due: _____

\$1,948.20

4. If Exemption Claimed:

- a. Transfer Tax Exemption per NRS 375.090, Section (2)
b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred 100%

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Date: 5/4/15

Signature: Denise Penaflorida

Denise Penaflorida

Capacity: Assistant Secretary

**SELLER (GRANTOR) INFORMATION
(Required)**

Print Name: Quality Loan Service Corp.

Address: 411 Ivy Street

City: San Diego

State: CA Zip: 92101

**BUYER (GRANTEE) INFORMATION
(Required)**

Print Name: U.S. Bank National Association, As Trustee, Successor
In Interest To Bank Of America National Association,
As Trustee, Successor By Merger To Lasalle Bank
National Association, As Trustee For Lehman Xs Trust
Mortgage Pass-Through Certificates, Series 2006-11
c/o Nationstar Mortgage LLC

Address: 8950 Cypress Waters Boulevard

City: Coppell

State: TX Zip: 75019

COMPANY REQUESTING RECORDING

Print Name: ServiceLink-Irvine

Escrow No.: 984737

Address: 3220 El Camino Real

City: Irvine

State: CA

Zip: 92602

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED

EXHIBIT 2

EXHIBIT 2

NOTICE TO QUIT

TO: RICHARD EVALOBO, PRISCILLA SANTOS CORTEZ
AND ALL OCCUPANTS, TENANTS, OR SUBTENANTS
1020 ZURICH AVENUE
HENDERSON, NV 89015

NOTICE IS HEREBY GIVEN that the subject premises have been duly sold in accordance with NRS Chapter 107 under the power of sale contained in the Deed of Trust encumbering the property. Title to the property has been duly perfected.

1. IF YOU ARE A FORMER OWNER OR SUCCESSOR TO A FORMER OWNER, within three (3) days after service on you of this Notice you are required to quit and deliver up possession of the premises to the undersigned, who is authorized to receive the same. If you fail to deliver possession this office will institute legal proceedings against you to recover possession of said premises and for rents or damages as provided by law, including up to \$600 (six hundred dollars) in addition to the actual damages.

2. IF YOU ARE A BONA FIDE TENANT under the Protecting Tenants at Foreclosure Act of 2009, you may have the option to begin paying rent to the new landlord and to remain as a tenant until ninety days after service of this Notice, or until the end of a valid lease term, whichever is later. You are a "bona fide" tenant if:

- a) You are not the former owner or the child, spouse or parent of the former owner; and
- b) You entered into the lease as a result of an arms-length transaction; and
- c) The rent due under your lease or rental agreement is not substantially less than fair market rent for the property or your rent is reduced due to a Federal, State or local subsidy.
- d) You entered into and executed the lease (and any amendments thereto) *before* the trustee sale.

If you believe you are a "bona fide tenant" pursuant to the criteria above, please contact our office immediately at (858) 750-7600 so we can arrange for the new owner to assume your lease and for you to continue paying rent. If you do not contact us immediately to request that your lease be assumed, you must vacate the property within 90-days from being served this letter.

3. IF YOU ARE NOT A "BONA FIDE" TENANT OR A FORMER OWNER, you are required to quit and vacate the premises within three days of service of this Notice on you.

Under the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 18 et. seq., active duty military servicemembers may have additional rights and protections. Please notify our

office immediately if you or any other occupants in the property are active duty military. You may also wish to contact a member of your Judge Advocate Corps.

If you have any questions please contact our office at (858) 750-7600.

DATED: May 4, 2015

By: 
Rebecca P. Kern, Esq.

EXHIBIT 3

EXHIBIT 3

VERIFIED RETURN OF SERVICE

State of Nevada

County of Clark

HENDERSON JUSTICE Court

Case Number: N/A

Plaintiff:

N/A

vs.

Defendant:

RICHARD EVALOBO, PRISCILLA SANTOS CORTEZ

For:

Pite Duncan

PIE DUNCAN, LLP

520 S. FOURTH ST.

SUITE 360

LAS VEGAS, NV 89101

Received by Zane Investigations, Inc on the 5th day of May, 2015 at 10:30 am to be served on **RICHARD EVALOBO, PRISCILLA SANTOS CORTEZ AND ALL OCCUPANTS, TENANTS, OR SUBTENANTS, 1020 ZURICH AVENUE, HENDERSON, NV 89015.**

I, Frida Aragon # R-06137, do hereby affirm that on the **6th day of May, 2015 at 8:15 am, I:**

AFFIXED a true copy of the **NOTICE TO QUIT** to the door at the address of: **1020 ZURICH AVENUE, HENDERSON, NV 89015**, the same being the defendant/respondent's place of **Abode** within the State of Nevada. Deponent completed service by mailing a true copy of the **NOTICE TO QUIT** in a postpaid envelope to the address of: **1020 ZURICH AVENUE, HENDERSON, NV 89015** bearing the words "Personal & Confidential" by First Class on **5/6/2015** and placed in an official depository of the U.S.P.S. in the State of Nevada.

Additional Information pertaining to this Service:

5/6/2015 8:15 am Attempted Service: 1020 ZURICH AVENUE, HENDERSON, NV 89015 Two story beige stucco residence, 3 car garage, desert landscape well kept. Clark County Assessors returns CORTEZ PRISCILLA SANTOS 4132 CALMOOR ST NATIONAL CITY CA 91950 as the owner of the property. Rang door bell, no answer. Posted NOTICE TO QUIT to garage door.



VERIFIED RETURN OF SERVICE For N/A

I certify that I am over the age of 18, have no interest in the above action, and I am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.



Frida Aragon # R-06137
Process Server

Zane Investigations, Inc
P.O. Box 11293
Reno, NV 89510
(775) 337-8177

Our Job Serial Number: ZAN-2015001533
Ref: 001577-001282

EXHIBIT

EXHIBIT 4

AFFIDAVIT OF SERVICE

State of Nevada

County of Clark

HENDERSON JUSTICE Court

Case Number: 15CH001955

2015 JUN 30 A 8:49

Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-11, ITS SUCCESSORS AND/OR ASSIGNS

AD

vs.

Defendant:

RICHARD EVALOBO, PRISCILLA SANTOS CORTEZ, AND DOE OCCUPANTS I THROUGH X, INCLUSIVE

For:

Pite Duncan
PITE DUNCAN, LLP
520 S. FOURTH ST.
SUITE 360
LAS VEGAS, NV 89101

Received by Zane Investigations, Inc on the 2nd day of June, 2015 at 12:15 pm to be served on DOE OCCUPANTS I THROUGH X, INCLUSIVE, 1020 ZURICH AVE., HENDERSON, NV 89015.

I, Frida Aragon # R-06137, being duly sworn, depose and say that on the 24th day of June, 2015 at 1:25 pm, I:

SUBSTITUTE served by delivering a true copy of the SUMMONS, CIVIL CASE COVER SHEET, ORDER TO SHOW CAUSE, ORDER SHORTENING TIME, APPLICATION & AFFIDAVIT FOR ORDER TO SHOW CAUSE AND FOR ORDER SHORTENING TIME, VERIFIED COMPLAINT FOR UNLAWFUL DETAINER with the date and hour of service endorsed thereon by me, to: DOE OCCUPANT REFUSED TO STATE NAME AND LAST NAME as DOE OCCUPANT/RENTER at the address of: 1020 ZURICH AVE., HENDERSON, NV 89015, the within named person's usual place of Abode, who resides therein, who is eighteen (18) years of age or older and informed said person of the contents therein, in compliance with state statutes.

Additional Information pertaining to this Service:

6/19/2015 1:30 pm Attempted Service: 1020 ZURICH AVE., HENDERSON, NV 89015 Two story beige stucco residence, 3 car garage, desert landscape front yard well kept. Clark County Assessors returns BANK U S NATIONAL ASSOCIATION TRS %NATIONSTAR MTGE LLC 8950 CYPRESS WATERS BLVD COPPELL TX 75019 as the owner of the property. There is a black Toyota Camry NV plate RNLIFE parked in the driveway. Rang the door bell and knocked on the door numerous times, received no answer. Left a card on the front and garage doors as well as driver's side window of Camry for resident to call. Surrounding neighbors did not open their doors to agent.

6/20/2015 12:55 pm Attempted Service: 1020 ZURICH AVE., HENDERSON, NV 89015 Cards left from previous attempt are gone. Camry is in driveway. Rang door bell and knocked on door for a few minutes, no answer. Left card on front and garage doors as well as driver's side of camry for resident to call. Neighbors did not open their doors to agent.

6/22/2015 7:45 am Attempted Service: 1020 ZURICH AVE., HENDERSON, NV 89015 Card left on front door from previous attempt is gone. Cards left on garage door and driver's side of Camry remain untouched. Camry is parked in driveway. Rang the door bell and knocked on the door for many, many, many minutes received no answer. Left another card on the front and garage doors for resident to call. Neighbors are not



AFFIDAVIT OF SERVICE For 15CH001955


opening their doors to agent.

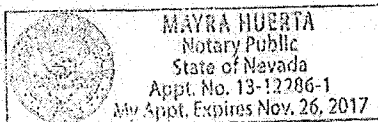
6/24/2015 1:25 pm Doe occupant declined to provide full name.

Description of Person Served: Age: 30s, Sex: F, Race/Skin Color: ASIAN, Height: 5'2", Weight: 120, Hair: BROWN, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and I am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 24th
day of JUNE, 2015 by the affiant
who is personally known to me.


NOTARY PUBLIC




Frida Aragon # R-06137
Process Server

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